

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

THOMAS ALLEN GORDON,

Plaintiff,

v.

JOE BARNETT, *et al*,

Defendants.

Case No. C03-5524KLS

ORDER DENYING PLAINTIFF'S  
MOTION FOR  
RECONSIDERATION

This matter is before the court on plaintiff's filing of a motion to reconsider (Dkt. #64) the court's order (Dkt. #58) denying his motion to compel discovery (Dkt. #48). After reviewing plaintiff's motion and the remaining record, the court hereby finds and ORDERS:

On April 6, 2005, this court denied plaintiff's motion to compel the "Correctional Records Specialist" at the Washington State Penitentiary, a non-party to this action, to comply with a subpoena to produce and to permit plaintiff to inspect and copy his prison file. (Dkt. #58). The court noted in its order that under Federal Rule of Civil Procedure 45(c)(2)(B), a party may move to compel production of documents "upon notice to the person commanded to produce." In denying plaintiff's motion to compel, the court further noted that it did not appear that plaintiff had served his motion on the person commanded to produce the requested documents.

Local Rule CR 7 states:

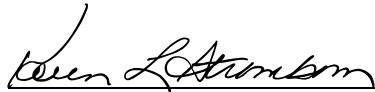
Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention

1 earlier with reasonable diligence.

2 In his motion for reconsideration, plaintiff states that "it appears that plaintiff did serve the 'Correctional  
3 Records Specialist'" with the subpoena. As noted above, however, plaintiff's error was not that he did not  
4 serve his subpoena, but that he did not serve his motion to compel on that person. As such, plaintiff has  
5 not submitted any new facts or legal authority which could not have been brought to the court's attention  
6 earlier, nor has he shown any manifest error in the court's prior ruling. Accordingly, plaintiff's motion for  
7 reconsideration (Dkt. #64) is DENIED.

8 The clerk is directed to send copies of this Order to plaintiff and counsel for defendants.

9 DATED this 25th day of April, 2005.

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11 Karen L. Strombom  
12 United States Magistrate Judge  
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